

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

John Monaco
Petitioner,

V.

James Eric McDonough
Respondent,

Case No.: 2016-021206-FC-04

☒ DOMESTIC VIOLENCE DIVISION
☒ ORIGINAL ORDER
☐ EXTENSION

ISSUED: **September 02, 2016**
 EXPIRES: **September 17, 2016**
 OR UNTIL THE FINAL JUDGMENT OF
 INJUNCTION FOR PROTECTION
 IF ENTERED, IS SERVED
 ON RESPONDENT

FILED FOR RECORD
2016 SEP -2 PM 12:44
CLERK OF DISTRICT COURT
DIVISION 56
2016
2016
MENT OF
TION

TEMPORARY INJUNCTION FOR PROTECTION AGAINST STALKING VIOLENCE

The Petition for Injunction for Protection Against Stalking Violence under section 784.0485, Florida Statutes, and other papers filed in this Court have been reviewed. The Court has jurisdiction of the parties and the subject matter under the laws of Florida. The term "Petitioner" as used in this injunction includes the person on whose behalf this injunction is entered.

It is intended that this protection order meet the requirements of 18 U.S.C. §2265 and therefore intended that it be accorded full faith and credit by the court of another state or Indian tribe and enforced as if it were the order of the enforcing state or of the Indian tribe.

NOTICE OF HEARING

Because this Temporary Injunction for Protection Against Stalking Violence has been issued without notice to Respondent, Petitioner and Respondent are instructed that they are scheduled to appear and testify at a **fifteen minute** hearing regarding this matter on

September 12, 2016 at 9:30 AM,

when the Court will consider whether the Court should issue a Final Judgment of Injunction for Protection Against Stalking Violence, which shall remain in effect until a date certain, or until modified or dissolved by the Court, and whether other things should be ordered. The hearing will be before the Honorable **CARROLL KELLY** in the **Lawson E. Thomas Courthouse Center located at 175 NW 1st Avenue, Miami FL. 33128, Court Room 29-A**. If Petitioner and/or Respondent do not appear, this temporary injunction may be continued in force, extended, or dismissed, and/or additional orders may be granted. Children are not permitted to testify unless a motion is filed pursuant to Fla.Fam.L.R.P.12.407, and an order allowing the testimony is granted prior to the hearing. **All witnesses and evidence, if any, must be presented at this time.**

NOTICE: Because this is a civil case, there is no requirement that these proceedings be transcribed at public expense. YOU ARE ADVISED THAT IN THIS COURT: Only Injunctions for Protection Against Domestic Violence Cases, filed pursuant to section 741.30 Florida Statutes, will be electronically recorded by the court. If your case is filed pursuant to chapter 784 (Repeat, Dating, or Sexual Violence), No recording is required to be made by the court. You may arrange in advance, at your own expense, for a court reporter to appear at the hearing. In all cases which have been recorded, or where a court reporter has been present, a transcript of the proceedings may be requested and prepared, at your own expense.

09/02/2016
5:50 PM
DROBENSON
4601

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2702, Miami, FL 33128, Telephone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

FINDINGS

The statements made under oath by Petitioner make it appear that section 784.0485, Florida Statutes, applies to the parties, that Petitioner is a victim of stalking by Respondent.

TEMPORARY INJUNCTION AND TERMS

This injunction shall be effective until the hearing set above, or until Final Judgment of Injunction, if entered, is served on Respondent or otherwise extended by the Court. THIS INJUNCTION IS VALID AND ENFORCEABLE IN ALL COUNTIES OF THE STATE OF FLORIDA. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction.

Willful violation of the terms of this injunction, such as: committing an act of stalking against Petitioner; going to or being within 500 feet of Petitioner's residence, place of employment, school, or other place prohibited in this injunction; knowingly and intentionally coming within 100 feet of Petitioner's motor vehicle, whether or not that vehicle is occupied; committing any other violation of this injunction though an intentional unlawful threat, word or act to do violence to Petitioner; telephoning contacting or communicating with Petitioner, unless indirect contact through a third party is specifically allowed by this injunction; defacing or destroying Petitioner's personal property, including Petitioner's motor vehicle; or refusing to surrender firearms or ammunition if ordered to so by the Court, constitutes a misdemeanor of the first degree punishable by up to one year in jail, as provided by sections 775.082 and 775.083, Florida Statutes.

Any party violating this injunction may be subject to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment, and also may be charged with a crime punishable by a fine, jail, or both, as provided by Florida Statutes.

ORDERED and ADJUDGED:

1. Violence Prohibited.

Respondent shall not commit, or cause any other person to commit, any acts of violence against Petitioner, including assault, aggravated assault, battery, aggravated battery sexual assault,

sexual battery, or stalking, aggravated stalking, kidnaping, or false imprisonment, or any criminal offense resulting in physical injury or death. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the Petitioner.

2. **No Contact.**

☒ a. Unless otherwise provided herein, Respondent shall have no contact with Petitioner. Respondent shall not directly or indirectly contact Petitioner in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third party contact anyone connected with Petitioner's employment or school to inquire about Petitioner or to send any messages to Petitioner. Unless otherwise provided herein,

☒ Respondent shall not go to, in, or within 500 feet of:
Petitioner's current residence

☒ 1601 SE 28th AVE
Homestead, FL 33030

or any residence to which Petitioner may move:

Petitioner's current or any subsequent place of employment or place where Petitioner attends school

☒ City of Homestead

100 Civic CT
Homestead, FL 33030

or the following other places (if requested by Petitioner) where Petitioner or Petitioner's minor children go often:

[Initial if applies; Write N/A if not applicable]

☒ b. Respondent may not knowingly come within 100 feet of Petitioner's automobile at any time.

☒ c. Other provisions regarding contact:

☒ d. **Exceptions for court-related contact.** When scheduled for court appearances, the parties may both appear in court at the same time, but the parties shall not speak to, gesture at, or otherwise verbally or non-verbally communicate with or have any contact with each other unless expressly authorized to do so by the judge. Service of properly filed non-harassing papers, by counsel, by process server, or by mail, will not constitute a violation of this order. The parties must obtain approval from the court before scheduling or attending any deposition or mediation which will require attendance by both parties. Each party may, but is not required to, communicate with the other party's attorney, if applicable, but not in the other party's presence.

☒ e. Petitioner and Respondent are employed by the same employer, work at the same physical location, or attend the same school. Accordingly, the following restrictions shall apply:

Firearms.

[Initial **all** that apply; write N/A if does not apply]

- ☒ a. Respondent shall not use or possess a firearm or ammunition.
- ☒ b. Respondent shall immediately surrender any firearms and ammunition in the Respondent's possession to the nearest police department to his/her home upon being served with the temporary injunction, and obtain a receipt of surrender. The receipt must be filed with the Clerk of Court within twenty four (24) hours and respondent must bring a copy to the final hearing.
- ☒ c. Other directives relating to firearm and ammunition: The Respondent shall bring a receipt of surrender to the final hearing.

4. **Mailing Address.** Respondent shall notify the Clerk of the Court of any change in his or her mailing address within ten (10) days of the change. All further papers (excluding the final injunction, if entered without Respondent's being present at the hearing, and pleadings requiring personal service) shall be served by mail to Respondent's last known address. Such service by mail shall be complete upon mailing. Rule 12.080, Fla. Fam. L. R. P., section 784.0485, Florida Statutes.

5. **Additional order(s) necessary to protect Petitioner from domestic violence:**

OTHER SPECIAL PROVISIONS

1. ANY VIOLATION OF THIS INJUNCTION, WHETHER OR NOT AT THE INVITATION OF THE PETITIONER OR ANYONE ELSE, MAY SUBJECT THE RESPONDENT TO CRIMINAL PROSECUTION OR CONTEMPT OF COURT. THE PARTIES CANNOT AMEND THE INJUNCTION THEMSELVES EITHER VERBALLY, IN WRITING, OR BY INVITATION TO THE RESIDENCE OR SOME OTHER PLACE. MODIFICATIONS ARE ONLY VALID AND ENFORCEABLE AFTER HEARING AND WRITTEN COURT ORDER. EITHER PARTY MAY REQUEST THE COURT TO CHANGE OR END THIS INJUNCTION AT ANY TIME. SHOULD YOU DESIRE ANY CHANGES TO THIS INJUNCTION, PUT YOUR REQUEST IN WRITING AND FILE IT WITH THE DOMESTIC VIOLENCE CLERK'S OFFICE WHERE THE INJUNCTION WAS ISSUED. FOR FURTHER INFORMATION, CALL (305) 275-1155. A HEARING WILL BE SCHEDULED WITHIN FIVE (5) DAYS OF YOUR REQUEST.
2. THE COURT MAY GRANT A CONTINUANCE BEFORE OR DURING A HEARING ON THIS MATTER UPON A SHOWING OF GOOD CAUSE BY EITHER PARTY, WHICH INCLUDES A CONTINUANCE TO OBTAIN SERVICE OF PROCESS. ANY INJUNCTION SHALL BE EXTENDED, IF NECESSARY, TO REMAIN IN FULL FORCE AND EFFECT DURING ANY PERIOD OF CONTINUANCE.

3. EACH PARTY IS DIRECTED TO IMMEDIATELY ADVISE THE CLERK OF THE COURT, DOMESTIC VIOLENCE DIVISION, IN WRITING, AT THE LOCATION WHERE THE CASE IS PENDING, OF ANY CHANGE OF ADDRESS. FAILURE TO COMPLY MAY JEOPARDIZE YOUR RIGHTS.
4. IT IS A FEDERAL CRIMINAL FELONY OFFENSE TO CROSS STATE LINES OR ENTER INDIAN COUNTRY FOR THE PURPOSE OF ENGAGING IN CONDUCT THAT IS PROHIBITED IN THIS INJUNCTION. 18 U.S.C. §2262. THE CRIMINAL PENALTY FOR VIOLATING THIS SECTION IS INCARCERATION OF UP TO LIFE IMPRISONMENT, DEPENDING ON THE NATURE OF THE VIOLATION.
5. RESPONDENT, UPON SERVICE OF THIS INJUNCTION, SHALL BE DEEMED TO HAVE KNOWLEDGE OF AND TO BE BOUND BY ALL MATTERS OCCURRING AT THE FINAL HEARING AND ON THE FACE OF THIS INJUNCTION, REGARDLESS OF WHETHER RESPONDENT APPEARS AT THE HEARING.
6. THIS TEMPORARY INJUNCTION MAY BE EXTENDED UNTIL SUCH TIME AS SERVICE OF THE FINAL INJUNCTION, IF ENTERED, IS MADE UPON RESPONDENT.

DIRECTIONS TO LAW ENFORCEMENT OFFICERS IN ENFORCING THIS INJUNCTION

(Provisions in this injunction that do not include a line for the judge to either initial or write N/A are considered mandatory provisions and should be interpreted to be part of this injunction.)

1. The Sheriff of Miami-Dade County, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon Respondent as soon as possible after its issuance.

2. **This injunction is valid in all counties of the State of Florida.** Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without a warrant pursuant to section 901.15, Florida Statutes, for any violation of its provisions which constitutes a criminal act under section 784.047, Florida Statutes.

3. Should any Florida law enforcement officer having jurisdiction have probable cause to believe that Respondent has knowingly violated this injunction, the officer should arrest Respondent, confine him/her in the county jail without bail, and shall bring him/her before the initial Appearance Judge on the next regular court day so that Respondent can be dealt with according to law. The arresting agent shall notify the State Attorney's Office immediately after arrest. **THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES.**

4. **THIS TEMPORARY INJUNCTION IS EXTENDED UNTIL SUCH TIME AS SERVICE OF THE FINAL INJUNCTION, IF ENTERED, IS MADE UPON RESPONDENT.**

ORDERED on this **September 02**, at 12:05 AM PM **2016**

Circuit Judge

JOSEPH I. DAVIS, JR.

STATE OF FLORIDA, COUNTY OF DADE
THIS IS TO CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE DOCUMENT
ON FILE OR OF RECORD IN THE
WITNESS MY HAND AND SEAL
SEP 02 2016

THIS DAY OF SEPTEMBER 2016
HARVEY RIVLIN, CLERK OF CIRCUIT COURT

307689

NAME OF RESPONDENT: James Eric McDonough

Physical description of Respondent:

Date of birth	11/29/1977	Age	38
Race	White	Sex	Male
Height	6 Ft. 0 In.	Weight	175 Lbs.
Hair Color	Brown	Eye Color	Brown

Distinguishing marks or scars: _____

Aliases (other names) Respondent uses or has used: _____

Nickname(s): _____

Respondent's vehicle make, model, year, color and TAG

ATTACH PHOTO, IF AVAILABLE

COPIES TO: (Check those that apply)

Petitioner:

☐
☒

by U. S. Mail

Respondent:

☒

by hand delivery in open court

☐

forwarded to sheriff for service

☐

by U. S. Mail

☐

by hand delivery in open court

by certified mail (may only be used when Respondent is present at the hearing and Respondent fails or refuses to acknowledge the receipt of a certified copy of this injunction.)

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Sheriff of Miami-Dade County

State Attorney's Office

Warrants Bureau

Central Governmental Depository (if ordered)

Department of Revenue

Other: _____

Petitioner's Attorney:

☐

by U.S. Mail

☐

by hand delivery

Respondent's Attorney:

☐

by U.S. Mail

☐

by hand delivery

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

By: _____

Deputy Clerk

ID #

989

As of: September 02, 2016

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY, FLORIDA

John Monaco
Petitioner,

V.

James Eric McDonough
Respondent,

☒ DOMESTIC VIOLENCE DIVISION

☐ FAMILY DIVISION

Case No.: **2016-021206-FC-04**

**PETITION FOR INJUNCTION
FOR PROTECTION AGAINST
STALKING VIOLENCE**

FILED FOR RECORD
2016 SEP -2 4:10:47

BEFORE ME, the undersigned authority, personally appeared the Petitioner **John Monaco**, who has been sworn and who states:

1. Petitioner resides at: **1601 SE 28th AVE
Homestead, FL 33030**
2. Respondent resides at: **32320 SW 199th AVE
Miami, FL 33030**
3. **Filing fees:** Pursuant to section 784.046(3)(b) Florida Statutes, no filing fees may be assessed.
4. The name and address of Respondent's last known place of employment or school is:
SELF EMPLOYED
5. Petitioner is employed or attends school at:
**City of Homestead 100 Civic CT
Homestead, FL 33030**

**(DO NOT ENTER IF PLACE OF EMPLOYMENT OR SCHOOL TO BE KEPT CONFIDENTIAL,
FOR SAFETY.)**

6. Physical description of Respondent:

Date of birth	11/29/1977	Age	38
Race	White	Sex	Male
Height	6 Ft. 0 In.	Weight	175 Lbs.
Hair Color	Brown	Eye Color	Brown

Distinguishing marks or scars: **UNKNOWN**

Aliases (other names) Respondent uses or has used: **N/A**

Nickname(s): **DOC JUSTICE**

7. Respondent's vehicle year, make, model, color and TAG:

Is Respondent in jail? **Yes**

8.

Date of Arrest: **09/01/2016**

Jail #: **160158802**

Cell #: _____

9. Respondent's attorney's name, address, and telephone number:

10. The following describes any other court cases, including family, civil, criminal, dependency or delinquency (juvenile), where the Petitioner and Respondent are involved (include case numbers):

F16018116

11. Has the Petitioner ever gotten or tried to get an Injunction for Protection against the Respondent in this or any other court? ☐ Yes ☒ No

If YES, list case number(s) and what happened in that/those case(s):

12. Has the Respondent ever gotten or tried to get an Injunction for Protection against Petitioner in this or any other court? ☐ Yes ☒ No

If YES, list case number(s) and what happened in that/those case(s):

N/A

13. Petitioner is a victim of stalking because Respondent has: {mark all sections that apply}

- a. ☒ Committed stalking;
- b. ☒ Previously threatened, harassed, stalked, cyberstalked, or physically abused the Petitioner;
- c. ☐ Threatened to harm the petitioner or family members or individuals closely associated with the petitioner.
- d. ☐ Intentionally injured or killed a family pet;
- e. ☐ Used, or has threatened to use, against Petitioner any weapons such as guns or knives;
- f. ☐ A criminal history involving violence or the threat of violence, if known; enforcement.
- g. ☐ Another order of protection issued against him or her previously from another

jurisdiction, if known;

- h. ☒ **N/A** Destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to Petitioner.

Below is a description of the specific incidents of stalking or cyberstalking:

The respondent, who is employed, is a subject in an ongoing investigation where the petitioner, who is a Homestead police officer, is a witness. The petitioner alleges that the following events have occurred as described below:

On September 1, 2016 the respondent was arrested for cyberstalking and witness tampering after posting derogatory and threatening comments on a website in reference to the petitioner. The petitioner further states that there is an ongoing investigation by the Homestead PD.


The petitioner states that between August 24th and August 30, 2016 the respondent posted a video of the petitioner at a city council meeting where the petitioner recited his home address. The video gets posted along with messages stating instructions on how to get to the petitioner's house and also threatened to post the physical address of the petitioner's home. The video is also sent to individuals on various websites with instructions or comments in reference to the petitioner.

The petitioner further states that the respondent further threatened him by posting various videos of the petitioner going about his daily duties as a police officer.

The petitioner states that he is afraid of what the respondent is capable of as he has been previously arrested and charged with stalking another police officer.

The petitioner is in fear for his life and safety and is seeking the intervention of the courts to keep the respondent away from him and from committing further acts of violence.

SDJC/JDR/COC



15. **Petitioner alleges the following additional information:**

- a. that the Respondent personally owns, possesses, and / or is known to possess a firearm: ☐ Yes ☐ No ☒ Unknown

If YES, what type: _____

- b. It is currently required for the Respondent to carry/use a firearm in the capacity of his/her job: ☐ Yes ☐ No ☒ Unknown

- c. that the Respondent has a drug problem: ☐ Yes ☐ No ☒ Unknown

If YES, what type: _____

- d. that the Respondent has an alcohol problem: ☐ Yes ☐ No ☒ Unknown
- e. That the Respondent has a history of clinically diagnosed mental health problems:
☐ Yes ☐ No ☒ Unknown

If YES, what type: _____

- f. Petitioner has known Respondent since (date): 08/24/2016
- g. Respondent served in the U.S. military: ☐ Yes ☐ No ☒ Unknown

16. **WHEREFORE, the Petitioner asks the Court to give an injunction (mark the appropriate section[s]):**

The Petitioner asks the Court to enter a TEMPORARY INJUNCTION for protection against stalking that will be in place from now until the scheduled hearing in this matter, which will immediately restrain Respondent from committing any acts of stalking, and which will provide any terms the Court deems necessary for the protection of a victim of stalking, including any injunctions or directives to law enforcement agencies.

Petitioner asks the Court to enter, after a hearing has been held on this petition, a FINAL JUDGMENT for protection against stalking prohibiting Respondent from committing any acts of stalking against Petitioner and:

NOTE: The Court may consider the following "Ex parte" (without notice and hearing). This relief may be awarded for up to 15 days.

- a. ☒ Prohibiting the Respondent from going to or within 500 feet of any place Petitioner lives at

**1601 SE 28th AVE
Homestead, FL 33030**

or to any specified place frequented regularly by Petitioner and any named family members or individuals closely associated with Petitioner;

**(IDENTIFY ALL PLACES BY NAME, ADDRESS, AND RELATIONSHIP OF PERSON(S)
ON PREMISES TO PETITIONER, IF APPLICABLE.)**

- b. ☒ Keeping the Respondent away from the current place of employment or school of the Petitioner located at:

**City of Homestead
100 Civic CT
Homestead, FL 33030**

or any future place of employment or school of Petitioner in the State of Florida.

- c. ☒ Prohibiting Respondent from contacting Petitioner by telephone, mail, by e-mail, in writing, through social media, through another person, or in any other manner;

- d. ☒ Ordering Respondent that he or she shall not have in his or her care, custody,

-
- possession or control any firearm;
- e. ☒ Prohibiting Respondent from knowingly and intentionally going within 100 feet of Petitioner's motor vehicle, whether or not that vehicle is occupied.
- f. ☒ Ordering such other relief as the Court decides is needed to protect a victim of stalking, including injunctions or directives to law enforcement agencies.

NOTE: The Court may consider the following only with notice and hearing to the Respondent. These things may be ordered by the Court and remain in effect until modified or dissolved by the judge at either party's request, after further notice and hearing.

- g. ☒ Continuing the relief requested in a - f above, until modified or dissolved by the court.
- h. ☒ Ordering Respondent to go to a batterers' intervention program and/or other Treatment.
- i. ☐ Other: _____

I UNDERSTAND THAT BY FILING THIS PETITION, I AM ASKING THE COURT TO HOLD A HEARING ON THIS PETITION, THAT BOTH THE RESPONDENT AND I WILL BE NOTIFIED OF, THE HEARING, AND THAT I MUST APPEAR AT HEARING.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND I DECLARE THAT EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.011 FLORIDA STATUTES, AND IF I HAVE MADE A KNOWINGLY FALSE STATEMENT, I MAY BE PROSECUTED..



Name: **John Monaco**

Address: **1601 SE 28th AVE
Homestead, FL 33030**

Telephone No. Home: 305-247-1535

(DO NOT ENTER IF ADDRESS AND PHONE TO BE KEPT CONFIDENTIAL, FOR SAFETY.)

**FEDERAL LAW PROHIBITS A
PERSON FROM POSSESSING OR
TRANSPORTING FIREARMS
AND/OR AMMUNITION IF THEY:**

Have been convicted in any court of a
misdemeanor crime of domestic violence,
or

Are subject to a court order that:

was issued after a hearing for which the
person received notice, and at which the
person had an opportunity to participate;
and

restrains the person from harassing,
stalking, or threatening an intimate partner
or child of an intimate partner, or if the
order prohibits the person from engaging in
other conduct that would place an intimate
partner in reasonable fear of bodily injury to
the partner or child; and

includes a finding that the person
represents a credible threat to the physical
safety of such intimate partner or child; or
explicitly prohibits the use, attempted use,
or threatened use of physical force against
such intimate partner or child that would
reasonably be expected to cause bodily
injury.

See 18 U.S.C.A. §922(g) (8-9).

A civil injunction for protection in Florida is a
court order that meets the description above.

**CONSEQUENCES IF A FINAL
INJUNCTION FOR PROTECTION IS
ENTERED AGAINST YOU:**

Your ability to purchase and possess weapons and
ammunition is affected.

The final injunction is enforceable in 50 states.

The final injunction may require you to leave a
shared residence, restrict and limit visitation with
minor children and/or require you to pay support for
minor children and/or the petitioner.

If you violate a final injunction, you may be arrested
and charged with a first degree misdemeanor for
each violation with a maximum sentence of one
year in jail under Florida law.

If you stalk the petitioner, a person with an
injunction against you, you may be charged with a
second degree felony.

You may be deported or your application for
citizenship may be affected.

Your employment applications or status may be
affected, especially in certain fields if you are
required to use weapons for work.

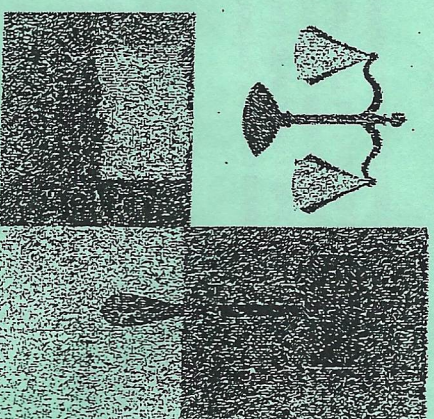
Your professional licenses may be affected.

Your admission into the military, schools, colleges,
or universities may be affected.

If you have other questions, please contact your
local Clerk of Court's office at 305-252-5871 (South
Dade Justice Center).

**CIVIL
INJUNCTIONS**

**FOR
PROTECTION
AGAINST DOMESTIC,
DATING, SEXUAL, AND
REPEAT VIOLENCE**



**INFORMATION
FOR
RESPONDENTS**

WHAT IS THIS?

You were served with a Temporary Injunction for Protection, a court order that protects a person from violence that is in effect until your hearing, at which time, may be extended by the judge.

You are the Respondent and the other person is the Petitioner.

This is not a criminal charge or case.

Please read the court order very carefully because it tells you what you CAN and CANNOT DO before your hearing.

WHAT DOES THIS MEAN?

The judge has ordered that you:

DO NOT contact the other person in this case!!!
Contact means: in person, by phone calls, emails, text messages, letters, sending gifts, talking in public places, and sending messages or having others talk to the other person for you.
YOU MAY NOT HAVE CONTACT EVEN IF THE OTHER PERSON CONTACTS YOU FIRST!!!

DO NOT go any place prohibited in the Temporary Injunction (other person's home, place of work, or other places listed in the order signed by the judge) or within 100 feet of the other person's car. **EVEN IF YOU ARE INVITED!!!**

ONLY THE JUDGE CAN CHANGE THE ORDER. The other person cannot decide to change or dismiss the order alone. If the other person contacts you, it is not a crime, but if you have contact with the other person **YOU CAN BE ARRESTED AND CHARGED WITH A CRIME!!!** (up to one year in jail)

WHAT ABOUT ME?

You will have a chance to talk to the judge at the hearing. Plan to attend your hearing. If you cannot go to court for a good reason, you can contact the court in writing and ask for another court date. Unless your request is granted, you must attend on the date indicated.

The court can enter a temporary order based on one person's sworn petition alone, but it is only in effect for a short time. Both people have the chance to address the court before a final order can be entered.

WHAT DO I BRING TO COURT?

Witnesses

Any witnesses must come to court to testify. Letters from witnesses are not allowed. You may subpoena witnesses, but there is a fee. You may contact the clerk for information. Police officers usually require a subpoena in advance to attend hearings.

Evidence

Pictures, phone records, messages, etc. that pertain to the incident described in the papers.

Proof of Income

If the other person is asking for child support or alimony, you must bring a financial affidavit or proof of income; pay stubs, tax returns, etc.

Car titles, deeds to home or shared property

Copies of any other court orders involving you and the other person (divorce, custody, child support, etc.)

WHAT IF I JUST DON'T GO TO MY HEARING?

The judge can enter a final injunction without you if you were served and notified of the hearing.

WHAT ABOUT THE HEARING?

The purpose of the hearing is for the judge to decide whether or not to issue a final injunction.

If you have a pending criminal case about the same or related incident, you have the right not to testify in the injunction hearing, because anything you say can be used against you in the criminal case.

At the hearing, you can consent (agree to the injunction,) or you can object (disagree with the injunction being entered against you). If you object, a full hearing will be held. Before you agree, read the potential consequences on the back.

If you have a full hearing, the judge will listen to both parties, witnesses, and review the evidence. At your hearing, you will have a chance to talk to the judge about what the other person said you did or alleged in the petition.

If the final injunction is entered, it is not a "two-way" order. It restricts the behavior of the respondent (you) only.

If you feel you have been stalked, harassed, threatened, the victim of violence or are in imminent danger of becoming a victim of violence by the other person, you have the right to petition the court for an injunction against the other person in your case. You may file a petition in the clerk's office to request an injunction.